

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.612 of 2019
and Crl.M.P.No.8494 of 2019

S.Prakash Petitioner/Respondent

Vs.

Mrs.Indumathi @ Bama
@ Bama Ruckmani, Respondents/Petitioner

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 29.03.2019 passed in C.M.P.No.35 of
2018 in M.C.No.128 of 2017 on the file of the Additional
Principal Family Court, Coimbatore.

For Petitioner : Mr.A.Selvendran

O R D E R

This criminal revision petition has been filed seeking to
set aside the order dated 29.03.2019 passed in C.M.P.No.35 of
2018 in M.C.No.128 of 2017 on the file of the Additional
Principal Family Court, Coimbatore.

2. For the sake of convenience, the parties will be referred
to by their name.

3. Indumathi got married to Prakash on 25.03.2012 and
thereafter, it is alleged that Prakash had deserted her and
neglected to maintain her. Indumathi filed M.C.No.128 of 2017
under Section 125 Cr.P.C., before the Additional Principal
Family Court, Coimbatore. Prakash entered appearance and
contested the case. While so, Indumathi filed a petition in
C.M.P.No.35 of 2018 in M.C.No.128 of 2017, for interim
maintenance.

4. After hearing either side, the Trial Court, by order
dated 29.03.2019, has directed Prakash to pay a sum of
Rs.3,000/- per month, as interim maintenance to Indumathi,
challenging which, this revision petition has been filed.

5. Heard Mr.A.Selvendran, learned counsel for Prakash, who, submitted that Indumathi has already filed H.M.O.P.No.1254 of 2013 for divorce and Prakash has also filed H.M.O.P.No.659 of 2015 for divorce and during the pendency of the divorce applications, interim maintenance of Rs.2,000/- has been awarded.

6. However, it is seen that the said sum of Rs.2,000/- ordered to be paid in the H.M.O.P. proceedings has not been paid to Indumathi by Prakash. Only in those circumstances, Indumathi has been constrained to approach the Court in M.C.No.128 of 2017 under Section 125 Cr.P.C.

7. In the opinion of this Court, grant of interim maintenance of Rs.3,000/- per month, cannot be said to be excessive taking into consideration today's cost of living.

8. The learned counsel for Prakash further submitted that if the parties are directed to appear before Mediation Centre, there is every possibility of the parties to arriving at a comprehensive settlement.

9. Accepting the submission of the learned counsel for Prakash, this Court directs the learned Additional Principal Family Judge, Coimbatore, to refer the parties to the local Mediation Centre for bringing about a settlement amongst themselves. If the mediation talks fail, the Family Court shall complete the proceedings in H.M.O.P.No.1254 of 2013, H.M.O.P.No.659 of 2015 and M.C.No.128 of 2017 expeditiously at any rate, within six months from the date of receipt of a copy of this order. If the parties arrive at a settlement, then, it is always open to file necessary application under Section 127 Cr.P.C. for alteration of maintenance.

With the above directions, this criminal revision petition is dismissed as being devoid of merits. Connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

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Sub Assistant Registrar

nsd

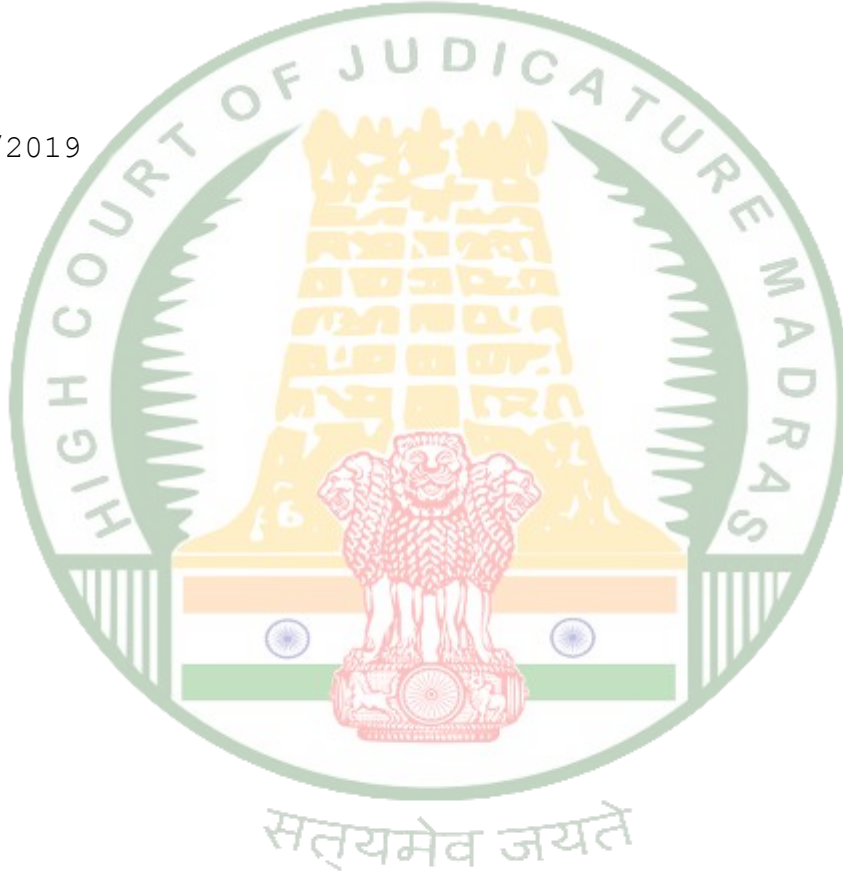
To

The Additional Principal Family Judge,
Coimbatore.

+lcc to Mr.A.Selvendran, Advocate Sr.55004

Cr1.R.C.No.612 of 2019

sj[col]
srg 24/07/2019



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